

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of N.L. and K.L., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANGELA OSWALD,

Respondent-Appellant,

and

FRANCIS HENRY LEATHERS,

Respondent.

UNPUBLISHED

May 15, 2003

No. 243851

Midland Circuit Court

Family Division

LC No. 00-000773-NA

Before: Bandstra, P.J., and Gage and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the circuit court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

The circuit court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant had an extensive history dating back to 1997 of neglect, a filthy home, and failing to properly supervise her two young children. Despite extensive prior services, she continued her pattern of failing to provide proper supervision for her children. For example, respondent-appellant continued to associate with an individual that she was advised was prohibited and should not be left around the children. This individual had a serious drinking problem, he had been in jail, he used firearms, and his own children had been removed from his home. Respondent-appellant somehow did not seem to understand how a relationship with this individual could jeopardize her keeping her own children. Despite extensive supportive and rehabilitative services respondent-appellant permitted an environment to exist in which one or both of her children could have been seriously harmed. The two and a half year old child was left unsupervised and unfed in their unlocked home for seven hours despite the child's ability to open doors and climb up onto counters. Knives were left on the floor, scissors were not placed out of the reach of the children, and dog feces, broken cigarettes,

dirty dishes, and clutter were all within the reach of the children. In light of these considerations, it was clearly established that there was no reasonable expectation that respondent-appellant would be able to provide proper care or custody of the children and that there was a reasonable likelihood that the children would be harmed if returned to her care.

Furthermore, the evidence did not establish that termination of respondent-appellant's parental rights was contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Accordingly, the circuit court did not err in terminating respondent-appellant's parental rights to the minor children.

Affirmed.

/s/ Richard A. Bandstra
/s/ Hilda R. Gage
/s/ Bill Schuette